

16 States Challenge EPA Mercury Rules

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TRENTON, N.J. — New Jersey's attorney general filed a court petition Monday on behalf of 16 states challenging the federal Environmental Protection Agency's new mercury pollution rules.

The petition asks a federal judge to reactivate a lawsuit filed last year challenging a rule known as "cap-and-trade."

Cap-and-trade allows power plants to buy emissions reduction credits from plants whose emissions fall below target levels, rather than installing their own mercury emissions controls. It is to go into effect in 2010.

The lawsuit was put on hold in October after the EPA agreed to reconsider the rules, but on May 31, the agency's announced revisions didn't include cap-and-trade.

"After six months of stalling, EPA not only failed to address the grave dangers posed to communities and children by its cap-and-trade program for mercury emissions, it made the program worse by further weakening standards," New Jersey Attorney General Zulima Farber said. The petition was filed in federal court in Washington.

Mercury from smokestacks can enter waterways and be consumed by humans who eat contaminated fish. The toxic metal can cause nerve damage and damage the heart, brain and kidneys, according to the EPA.

The states argue that the cap-and-trade system will endanger children near some power plants that pollute but use credits to do it legally.

The lawsuit also challenges an EPA decision to delist coal- and oil-fired power plants from regulations requiring utilities to use the strictest emissions control technology possible to block emissions.

A message left Monday by The Associated Press at the EPA's Washington office was not immediately returned.

The agency has defended its mercury rules in the past, saying they will reduce mercury emissions by 70 percent and they represent the nation's first attempt to control such emissions.

The other states included on the petition are: Wisconsin, California, Connecticut, Delaware, Illinois, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Mexico, New York, Pennsylvania, Rhode Island and Vermont.
